



DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

Division of Food and Recreational Safety

April 3, 2020

Additional Guidance for Selling Food during Emergency Order No. 12

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) wants to address a common question related to Emergency Order No. 12 issued by the Department of Health Services (DHS) at the direction of Gov. Tony Evers.

The [“Safer at Home” order](#), issued on March 24, directed restaurants and bars to end dine-in service. No seating may be provided, and food may not be consumed at the restaurant.

The exemption allows restaurants to provide food in the following ways:

- **Takeout.** Customers may enter restaurants and bars only for the purpose of ordering, pick-up, and paying for food or beverage or both. Social distancing of 6 feet must be maintained.
- **Delivery**
- **Drive-thru**

A common question: As a licensed restaurant operator, can I act as a grocery store to supply basic food staples to the general public during this pandemic?

YES. The retail food license allows you to sell food items as a grocery store would. Here is some additional information:

- General food safety handling still applies.
- Food must remain under proper temperature control and stored in appropriate, ANSI-approved commercial equipment.
- Ready-to-eat, time-temperature control for safety foods must be date marked.
- It is recommended that you work with your food supplier to purchase prepackaged, consumer-sized, labeled products that are ready to be resold.

If you *repackage foods*, follow these directions:

- If you repackage foods from bulk, the new package must meet labeling requirements. That includes those required by DATCP’s Bureau of [Weights and Measures](#), which may mean you need to use a commercial, licensed scale as required in [ATCP 90](#).
- If you repackage foods from bulk, you must apply a label that meets retail food establishment labeling requirements. Visit DATCP Food Code Fact Sheets for more [Retail Labeling information](#).
- If you repackage ready-to-eat, time-temperature control for safety foods from bulk, the proper date must be applied.



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Nutritional labeling requirements have been changed during the pandemic and are not required for food originally received by a restaurant for customers that is now being repackaged. Find additional information here: [FDA Nutrition Labeling during COVID-19](#). DATCP also offers guidance for [repacking eggs at retail food establishments](#).

The [State of Wisconsin created a webpage](#) that offers resources from various agencies and answers to critical questions.

Here are a few other resources from DHS that might be helpful during this challenging time:

- [COVID-19 Information](#)
- [COVID-19 Facts: Why Social Distancing](#)
- [COVID-19 Facts: Protect Your Family](#)

Thank you for your role in keeping Wisconsinites safe by reducing the spread of COVID-19. If you have questions for DATCP, please send them to datcpdfrsretail@wisconsin.gov.



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